

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KATRI RILEY-LEE,

Plaintiff,

v.

USA COURTHOUSE,

Defendant.

Case No. 10-cv-0944-RAJ-JPD

REPORT AND RECOMMENDATION

Plaintiff, proceeding pro se, has filed an application to proceed in forma pauperis (“IFP”) in this proposed civil rights lawsuit. Dkt. No. 1. After careful consideration of Plaintiff’s IFP application, proposed complaint, the governing law and the balance of the record, the Court recommends that the case be DISMISSED without prejudice and that the IFP application be DENIED as moot.

Pursuant to 28 U.S.C. § 1915(e)(2)(B), this Court may deny an application to proceed IFP and should dismiss a complaint if it is frivolous or fails to state a claim upon which relief can be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(i)-(ii); *O’Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990). An action is frivolous if “it lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). The fact that the plaintiff is not a prisoner does

1 not change this analysis. *See Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000) (“[S]ection
2 1915(e) applies to all in forma pauperis complaints, not just those filed by prisoners.”).

3 Here, Plaintiff’s proposed complaint appears frivolous and fails to state a claim upon
4 which relief can be granted. *See* Dkt. No. 1, Att. 1. Indeed, the proposed complaint is simply
5 incomprehensible. *Id.* Additionally, Plaintiff has failed to name a proper defendant amenable
6 to suit. Because this action appears frivolous and fails to state a claim upon which relief can be
7 granted, it is subject to dismissal under 28 U.S.C. § 1915(e)(2)(B) and Federal Rule of Civil
8 Procedure 12(b)(6).

9 The Court advises Plaintiff of her responsibility to research the facts and law before
10 filing a complaint in federal court in order to determine whether her claim for relief is
11 frivolous. If Plaintiff files another frivolous action in this court, she may be sanctioned. *See*
12 FED. R. CIV. PRO. 11.

13 Accordingly, the Court recommends that this case be DISMISSED without prejudice
14 and that the IFP application be DENIED as moot. *See* 28 U.S.C. § 1915(e)(2)(B). A proposed
15 order accompanies this Report and Recommendation.

16 DATED this 14th day of June, 2010.

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18 JAMES P. DONOHUE
19 United States Magistrate Judge
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